

## REMARKS/ARGUMENTS

Claims 1-40 are pending in the application. The Examiner has allowed claims 1-34. The Examiner has rejected claims 35-40. Applicant respectfully requests reconsideration of pending claims 35-40.

The Examiner has rejected claims 35-40 under 35 U.S.C. § 102(e) as being anticipated by Robinson et al. (U.S. Patent No. 6570867 B1). Applicant respectfully disagrees.

In the Examiner's Response to Arguments, the Examiner states as follows:

Regarding to Applicant's argument that "the cited reference fails to disclose a database of managed network devices; database of logical links associated with said managed network device...." Examiner respectfully disagrees. Applicant has failed to point out what the different between the claim's invention and the reference such as above rejection.

Applicant notes Applicant alleged the Examiner failed to make a *prima facie* showing of anticipation with respect to a plurality of claims 35-40. Applicant submits the apparent absence of a *prima facie* showing of anticipation does not shift a burden to Applicant, so Applicant submits the issue of whether or not Applicant has "failed to point out" any difference between the subject matter of the claims and the purported teachings of the cited portions of the cited references is moot. Moreover, Applicant submits Applicant cited several specific aspects of the Examiner's purported rejections which Applicant submits were not supported by citation of specific portions of the cited reference. Yet, Applicant notes the Examiner has not addressed such specific aspects in the Examiner's Response to Arguments. Thus, Applicant reiterates Applicant's previously submitted arguments and respectfully requests the Examiner consider such arguments.

Regarding claims 35 and 37, as Applicant stated previously, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claims 35 and 37. For example, Applicant submits the cited portion of the cited reference fails to disclose "a database of managed network devices" as recited in claim 35. While the Examiner cites "(22 in Fig. 11 and Fig. 10 shows the DB manager 46)" as allegedly disclosing such feature, Applicant submits "22 in Fig. 11" is identified as a "MANAGEMENT SERVER," not "a database," and "DB manager 46" in "Fig. 10" is identified as a "DB manager," not "a database." Thus, Applicant submits the cited portions of the cited reference fail to disclose the subject matter of claim 35. Applicant notes the Examiner has not

addressed such argument in the Examiner's Response to Arguments. Applicant respectfully requests consideration of such argument.

As another example, as Applicant stated previously, Applicant submits the cited portion of the cited reference fails to disclose "a database of logical links associated with said managed network devices" as recited in claim 35. While the Examiner cites "(25 in Fig. 11 with storing paths)" as allegedly disclosing such feature, Applicant sees no teaching in the cited portion of the cited reference as to "(25 in Fig. 11 with storing paths)" disclosing "a database of logical links associated with said managed network devices." Applicant notes the Examiner has not addressed such argument in the Examiner's Response to Arguments. Applicant respectfully requests consideration of such argument.

As a further example, as Applicant stated previously, Applicant submits the cited portion of the cited reference fails to disclose "a network communications system for sending messages to managed network devices and receiving messages from said managed network devices" as recited in claim 35. While the Examiner cites "(e.g. data collector 21 to send and receive message from NE 24)" as allegedly disclosing such feature, Applicant submits a mere allegation that "data collector 21 to send and receive message from NE 24" without any citation of such supposed teaching in the cited reference fails to establish a *prima facie* showing of anticipation. Applicant notes the Examiner has not addressed such argument in the Examiner's Response to Arguments. Applicant respectfully requests consideration of such argument.

As yet another example, as Applicant stated previously, Applicant submits the cited portion of the cited reference fails to disclose "a message analysis system for determining local interface address information and next neighbor address information from messages received from said managed network devices" as recited in claim 35. Regarding such feature, the Examiner cites "(e.g. the server 22 analysis the paths)" of Robinson et al. However, Applicant can find no teaching of such feature with respect to "server 22" of the Robinson et al. reference. Applicant submits a mere allegation that "the server 22 analysis the paths" without any citation of such supposed teaching in the cited reference fails to establish a *prima facie* showing of anticipation. Applicant notes the Examiner has not addressed such argument in the Examiner's Response to Arguments. Applicant respectfully requests consideration of such argument.

Moreover, as Applicant stated previously, Applicant can find no allegation nor any citation or other evidence to support such allegation that the cited reference discloses "a logical link creation

system for creating logical links for storage in said logical links database” as recited in claim 37. Thus, Applicant submits the Examiner has not made a *prima facie* showing of anticipation with respect to the subject matter of claim 37. Applicant notes the Examiner has not addressed such argument in the Examiner’s Response to Arguments. Applicant respectfully requests consideration of such argument. Therefore, Applicant submits claims 35 and 37 are in condition for allowance.

Regarding claim 36, as Applicant stated previously, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 36. For example, Applicant submits the cited portion of the cited reference fails to disclose “a logical link display for displaying said logical links” as recited in claim 36. Regarding such feature, the Examiner cites “(e.g. GUI 23 in Fig. 5).” However, Applicant can find no teaching of such feature in “GUI 23 in Fig. 5.” Rather, element 23 of Fig. 5 is merely identified as “Client/User GUI.” Applicant sees no teaching in that portion of the cited reference of, for example, “a logical link display for displaying said logical links.” Applicant notes the Examiner has not addressed such argument in the Examiner’s Response to Arguments. Applicant respectfully requests consideration of such argument. Therefore, Applicant submits claim 36 is in condition for allowance.

Regarding claim 38, as Applicant stated previously, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 38. For example, Applicant submits the cited portion of the cited reference fails to disclose “a logical link information comparison system for comparing local interface address information and next neighbor address information obtained from messages received by from said managed network devices with endpoint information for said logical links stored in said logical links database” as recited in claim 38. Regarding such feature, the Examiner cites “(block 60 in Fig. 5).” However, Applicant can find no teaching of such feature in “block 60 in Fig. 5.” Rather “element 60 of Fig. 5 is merely identified as a “Queuing Manager” showing “High,” “Low,” and “Real Time.” Thus, Applicant submits the Examiner has not made *prima facie* showing of anticipation with respect to the subject matter of claim 38. Applicant notes the Examiner has not addressed such argument in the Examiner’s Response to Arguments. Applicant respectfully requests consideration of such argument. Therefore, Applicant submits claim 38 is in condition for allowance.

Regarding claim 39, as Applicant stated previously, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 39. For example, Applicant submits the cited portion of the cited reference fails to disclose “wherein said network communications system

comprises means for sending and receiving messages utilizing the SNMP protocol” as recited in claim 39. Regarding such feature, the Examiner cites “(col. 18, lines 23-24; col. 3, lines 2-4)” of Robinson et al. However, Applicant notes “col. 18, lines 23-24” merely states, “5. The RPM system of claim 1 wherein the data collector is operable with simple network management protocol.”, col. 3, lines 2-4, merely states, “In a preferred embodiment, the RPM system is incorporated in an Internet protocol (IP) network and is designed to be operable in a simple network management protocol (SNMP) environment.” Applicant notes the Examiner has not addressed such argument in the Examiner’s Response to Arguments. Applicant respectfully requests consideration of such argument.

Also, as Applicant stated previously, Applicant presented arguments above, with respect to claim 35, as to the apparent absence of teaching as to a “network communications system....” Applicant notes the Examiner has not addressed such argument in the Examiner’s Response to Arguments. Applicant respectfully requests consideration of such argument. Therefore, Applicant submits claim 39 is in condition for allowance.

Regarding claim 40, as Applicant stated previously, Applicant submits the cited portions of the cited reference fail to anticipate the subject matter of claim 40. For example, Applicant submits the cited portion of the cited reference fails to disclose “a managed network device identification system for identifying managed network devices associated with said next neighbor address information received from said managed network devices” as recited in claim 40. Regarding such feature, the Examiner cites “(block 55, 56 in Fig. 5).” However, Applicant can find no teaching of such feature in “block 55, 56 in Fig. 5.” Rather, Applicant notes element 55 is merely identified as a “Path Trace Handler” showing “Source Address” and “Destination Address,” and element 56 is merely identified as a “Source & Destination Register” showing a “Destination Device ID” and a “Source Device ID.” Applicant sees no teaching, for example, of “...for identifying managed network devices associated with said next neighbor address information received from said managed network devices.” Thus, Applicant submits the Examiner has not made a *prima facie* showing of anticipation with respect to the subject matter of claim 40. Applicant notes the Examiner has not addressed such argument in the Examiner’s Response to Arguments. Applicant respectfully requests consideration of such argument. Therefore, Applicant submits claim 40 is in condition for allowance.

In conclusion, Applicant has overcome all of the Office’s rejections, and early notice of allowance to this effect is earnestly solicited. If, for any reason, the Office is unable to allow the

Application No: 10/029,123

PATENT

Application on the next Office Action, and believes a telephone interview would be helpful, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,

01/19/2010  
Date



Ross D. Snyder, Reg. No. 37,730  
Attorney for Applicant(s)  
Ross D. Snyder & Associates, Inc.  
PO Box 164075  
Austin, Texas 78716-4075  
(512) 347-9223 (phone)  
(512) 347-9224 (fax)